

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ANGELA MOORE,

Plaintiff,

v.

No. CIV 01-1079 WJ/JHG

THE CONNECTION,

Defendants.

MEMORANDUM OPINION AND ORDER
DENYING DEFENDANT’S REQUEST FOR STAY
AND OVERRULING DEFENDANT’S OBJECTION

THIS MATTER comes before the Court pursuant to Defendant’s Objection to Magistrate Judge’s Discovery Order and Request for Stay Pending Ruling on Objection [Docket No. 50].

Under Rule 72(a) of the Federal Rules of Civil Procedure the Court “shall consider objections made by the parties and shall modify or set aside any portion of a magistrate’s order found to be clearly erroneous or contrary to law. The Seventh Circuit has stated that a decision, to be found erroneous, “must strike us as more than just maybe or probably wrong; it must . . . strike us as wrong with the force of a five-week-old, unrefrigerated dead fish.” Parts & Elec. Motors, Inc. v. Sterling Elec., Inc., 866 F.2d 228, 233 (7th Cir. 1988). I find no such odor is detectable from Magistrate Galvan’s ruling on Plaintiff’s discovery requests.


The Court notes that Defendant has filed a motion for summary judgment, and this motion is currently pending. The Court finds that it would be manifestly unfair to consider the merits of that motion prior to Plaintiff having an opportunity to review the discovery materials. Therefore, the Court will permit Plaintiff to supplement her response to the motion one time within fourteen

days after being served the responses to her discovery requests. If Plaintiff supplements her response, Defendant will have the opportunity to supplement its reply within fourteen days after Plaintiff supplements her response.

IT IS THEREFORE ORDERED that Defendant's Request for Stay pending ruling of this Court is hereby DENIED.

IT IS FURTHER ORDERED that Defendant's Objection [Docket No. 50] is hereby OVERRULED.

IT IS FINALLY ORDERED that Defendant shall comply with Plaintiff's Discovery request. Plaintiff shall have fourteen days from the date she is served with the responses to her requests in which to supplement her Response to Defendant's Motion for Summary Judgment (Titled as an Opposed Motion for Summary Judgment). If Plaintiff supplements her Response, Defendant will have fourteen days in which to supplement its Reply.



UNITED STATES DISTRICT JUDGE